

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/609,346 Confirmation No.: 1103

Applicant : Yu et al

Filed : June 26, 2003

TC/A.U. : 1646

Examiner : Prema Maria Mertz

Old Docket No.: ZYU-0603

New Docket No.: 118.01

Customer No.: 27165

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT ON DEPOSIT OF BIOLOGICAL MATERIAL
PURSUANT TO 37 CFR 1.808

Sir:

Applicant submits that the deposit of the biological materials described in the patent application Serial No. 10/609,346 has been made under the terms of the Budapest Treaty on the International Recognition of the Deposit of the Microorganisms for the Purpose of Patent Procedure at ATCC® on August 21, 2002. This deposit has received the Patent Deposit Designation No. PTA-4607.

Applicant submits herein a copy of the Certificate received from ATCC® dated September 20, 2002.

CERTIFICATE OF TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being facsimile transmitted to the Commissioner of Patents, at Fax No. (571) 273-8300.

Yi Li

Typed or printed name of person signing this certificate

Signature

Date

4/11/2007

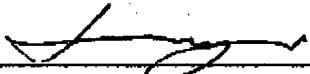
Application No. 10/609,346
Response Dated April 11, 2007
Reply to Office Action of December 19, 2006

Applicant states that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent.

Therefore, Applicant respectfully submits that ATCC® PTA-4607 deposit is in full compliance with 37 CFR 1.803-1.809, and it satisfies the requirement of 35 USC §112, first paragraph.

04/11/2007

Date of Signature

By: 

Yi Li
Registration No. 44,211
Agent of Record

Please address all correspondence to:

Customer Number 27165

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

FortuneRock Inc,
Attn: Dr. Zaihui Yu
30306 Meridian Circle
Union City, CA 94587

Deposited on Behalf of: FortuneRock, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

Consortium of Yeast, mixture of four strains of *Pichia pastoris*
(ZY-H8A/hIL-11:ZY-H8A/hEPO:ZY-H8A/hG-CSF:ZY-H8A/hGM-CSF);
ZY-H8A/CPSFs
(Ref: Docket or Case No.: ZYU-0602)

PTA-4607

The deposit was accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposit was received August 21, 2002 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested September 9, 2002. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:



Marie Harris, Patent Specialist, ATCC Patent Depository

Date: September 20, 2002

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